

### **REMARKS**

Upon entry of this amendment, claims 11 and 12 are all the claims pending in the application. Claim 12 is added as a new claim. No new matter has been added.

Claim 11 has been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,654,541 (“the ‘541 patent”). Applicants respectfully submit that the features recited in claim 11, as amended herein, would not have been obvious to one of ordinary skill in the art in view of claim 1 of the ‘541 patent.

In particular, Applicants note that claim 11 now recites the features of determining whether intervals between image display times of successive frames in a plurality of frames in a video sequence are constant or variable, and setting a display cycle identifier to be a variable display cycle identifier or a constant display cycle identifier based on said determining. Applicants respectfully submit that claim 1 of the ‘541 patent would not render the above-noted features of claim 11 obvious to a person having ordinary skill in the art at the time of invention.

Claim 1 of the ‘541 patent recites the feature of “a display cycle identifier operable to indicate if intervals between image display times of successive frames in the plurality of frames included in the video sequence are either constant or can be variable.”

Thus, while claim 1 of the ‘541 patent recites the feature of a display cycle identifier, Applicants respectfully submit that claim 1 of the ‘541 patent would not render obvious the features of determining whether intervals between image display times of successive frames in a plurality of frames included in a video sequence are constant or variable, and setting a display cycle identifier to be a variable display cycle identifier or a constant display cycle identifier based on said determining, as recited in claim 11. Accordingly, Applicants respectfully submit that claim 11 is in condition for allowance, an indication of which is respectfully requested.

If the Examiner intends to maintain the rejection of claim 11 under the obviousness-type double patenting doctrine, then Applicants respectfully request that a secondary reference be produced and applied which supports the above-noted features, and which provides an adequate motivation for modifying claim 1 of the '541 patent.

Regarding new claim 12, Applicants note that claim 12 recites the feature of a determining unit operable to determine whether intervals between the image display times of successive frames in a plurality of frames included in a video sequence are constant or variable, and a setting unit operable to set a display cycle identifier to be a variable display cycle identifier or a constant display cycle identifier based on said determining. Accordingly, for at least similar reasons as discussed above with respect to claim 11, Applicants submit that the features recited in claim 12 would not have been obvious to one of ordinary skill in the art in view of claim 1 of the '541 patent.

In view of the above amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance, an indication of which is kindly requested. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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